

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ERNEST CARTER,

Civil No. 18-700 (JRT/SER)

Plaintiff,

v.

STATE OF MINNESOTA,

ORDER

Defendant.

Ernest Carter, OID #234882, 1000 Lakeshore Drive, Moose Lake, MN 55767, *pro se* plaintiff.

Jean E. Burdorf, **HENNEPIN COUNTY ATTORNEY'S OFFICE**, 300 South Sixth Street, Suite A-2000, Minneapolis, MN 55487, for defendants.

United States Magistrate Judge Steven E. Rau filed the Report and Recommendation on August 10, 2018 [Docket No. 21]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The petition for a writ of habeas corpus of petitioner Ernest Carter is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or, alternatively, for failure to exhaust state remedies.
2. Carter's remaining motions [Docket Nos. 9, 10, 13, & 14] are **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 28, 2018
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court